

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

MICHAEL ALLEN KENNEY,

Plaintiff,

v.

Civil Action No. 2:20-cv-00800

ADMINISTRATOR BINION, SOUTH
CENTRAL REGIONAL JAIL, WEST
VIRGINIA DIVISION OF CORRECTIONS,
and JOHN DOE BOOKING OFFICER,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was previously referred to Dwane L. Tinsley, United States Magistrate Judge, who has submitted his Proposed Findings and Recommendation ("PF&R") pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B).

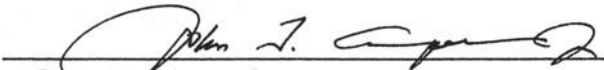
The court has reviewed the Proposed Findings and Recommendation entered by the magistrate judge on May 6, 2021. The magistrate judge proposes that the court "find that the [West Virginia Division of Corrections] and the [South Central Regional Jail] are not persons suable under 42 U.S.C. § 1983 and are further immune from suit in federal court under the Eleventh Amendment." PF&R 4, ECF No. 12 (emphasis omitted). Thus, the magistrate judge recommends that the court "dismiss those entities as defendants herein." Id. (emphasis omitted). The plaintiff, proceeding pro se, has not objected to the PF&R.

Accordingly, it is ORDERED that:

1. The PF&R be, and hereby is, adopted by the court, and
2. The West Virginia Division of Corrections and the South Central Regional Jail be, and hereby are, dismissed from this civil action.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record, to any unrepresented parties, and to the United States Magistrate Judge.

ENTER: November 9, 2021



John T. Copenhaver, Jr.
Senior United States District Judge